

REFERENCE TITLE: schools; fingerprint cards; application submission

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2036

Introduced by
Representative Lujan

AN ACT

AMENDING SECTION 15-534, ARIZONA REVISED STATUTES; RELATING TO SCHOOL
PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-534, Arizona Revised Statutes, is amended to
3 read:
4 15-534. Fingerprinting; review and disciplinary action;
5 violation; classification
6 A. A person who applies for a certificate as prescribed in section
7 15-203 shall have a valid fingerprint clearance card that is issued pursuant
8 to title 41, chapter 12, article 3.1. Applicants who possess a certificate
9 pursuant to section 15-203 and who apply for additional certificates or who
10 apply for renewal of any certificate shall meet one of the following
11 requirements:
12 1. Have a valid fingerprint clearance card issued pursuant to title
13 41, chapter 12, article 3.1.
14 2. Provide proof of the submission of an application for a fingerprint
15 clearance card. Applicants who have been denied a fingerprint clearance card
16 shall also provide proof that the applicant qualifies for a good cause
17 exception hearing pursuant to section 41-619.55.
18 B. A person who is certified pursuant to section 15-203 shall maintain
19 a valid fingerprint clearance card during the valid period of the person's
20 certificate or certificates. **A PERSON WHO IS CERTIFIED PURSUANT TO SECTION**
21 **15-203 SHALL NOT BE DEEMED TO VIOLATE THIS SUBSECTION IF THE PERSON PROVIDES**
22 **PROOF OF THE SUBMISSION OF AN APPLICATION FOR A FINGERPRINT CLEARANCE CARD.**
23 C. The state board of education may review and determine whether to
24 renew or not issue a certificate to an applicant for certification on a
25 finding that the applicant engaged in conduct that is immoral or
26 unprofessional or engaged in conduct that would warrant disciplinary action
27 if the person had been certified at the time that the alleged conduct
28 occurred. The board shall prescribe guidelines for this process.
29 D. The state board of education may take disciplinary action against
30 or not renew the certificate of a person on a finding that the certificated
31 person engaged in conduct that is immoral or unprofessional or engaged in
32 conduct that would warrant disciplinary action if the person had been
33 certified at the time that the alleged conduct occurred. The board shall
34 prescribe guidelines for this process.
35 E. The department of education may issue conditional certification
36 before an applicant has obtained a valid fingerprint clearance card. A
37 conditional certificate may be used only for employment in the school
38 district that submits an application to the department of education for
39 conditional certification pursuant to this subsection. The state board of
40 education may revoke conditional certification if the information on the
41 application for a conditional certificate is false or incomplete, the
42 applicant is denied a fingerprint clearance card or the conditional
43 certificate is used for employment in a school district other than the school
44 district that is indicated on the application for conditional certification.
45 In addition to any other conditions or requirements deemed necessary by the

1 superintendent of public instruction to protect the health and safety of
2 pupils, conditional certification shall be issued before the applicant
3 obtains a fingerprint clearance card if all of the following conditions are
4 met:

5 1. The school district that is seeking to hire the applicant verifies
6 in writing on a form developed by the department of education the necessity
7 for hiring and placement of the applicant before a fingerprint check is
8 completed.

9 2. The school district that is seeking to hire the applicant performs
10 all of the following:

11 (a) Ensures that the department of public safety completes a statewide
12 criminal records check on the applicant. A statewide criminal records check
13 shall be completed by the department of public safety every one hundred
14 twenty days until the date that the fingerprint check is completed.

15 (b) Completes a search of criminal records in all local jurisdictions
16 outside of this state in which the applicant has lived in the previous five
17 years.

18 (c) Obtains references from the applicant's current employer and two
19 most recent previous employers except for applicants who have been employed
20 for at least five years by the applicant's most recent employer.

21 (d) Provides general supervision of the applicant until the applicant
22 receives permanent certification from the department of education.

23 F. Before employment, schools or school districts shall verify the
24 certification and fingerprint status of applicants who apply for school or
25 school district positions that require certification.

26 G. The state board of education shall notify the department of public
27 safety if the state board of education receives credible evidence that a
28 person who possesses a valid fingerprint clearance card either:

29 1. Is arrested for or charged with an offense listed in section
30 41-1758.03, subsection B.

31 2. Falsified information on the form required by subsection A of this
32 section.

33 H. A person who makes a false statement, representation or
34 certification in any application for certification is guilty of a class 3
35 misdemeanor.